Nova Scotia Human Rights Commission
Annual Accountability Report for the Fiscal Year 2008-2009

August 24, 2009

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Accountability Statement

The accountability report of the Nova Scotia Human Rights Commission (NSHRC) for the year ended March 31, 2009 is prepared pursuant to the Provincial Finance Act and government policies and guidelines. These authorities require the reporting of outcomes against the NSHRC's business plan information for the fiscal year 2008-2009. The reporting of outcomes necessarily includes estimates, judgments and opinions by management of the NSHRC.

This accountability report is the responsibility of NSHRC management and is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the NSHRC's business plan for the year.

Hon. Ross Landry
Minister Responsible for the *Human Rights Act*

Krista Daley
Director and CEO

Message From the Director and CEO

I am pleased to share with you the Accountability Report of the Nova Scotia Human Rights Commission (NSHRC) for the 2008-2009 fiscal year. This report provides a summary of the NSHRC's accomplishments in fulfilling its commitments under the 2008-2009 Business Plan.

As the lead agency for human rights in Nova Scotia the NSHRC strives toward excellence in its promotion and protection of human rights in the province. A goal of continuous improvement guides the work as the NSHRC seeks to provide the best service possible to Nova Scotians while making efficient use of resources.

This past fiscal year has been a period of transition as I assumed the role of Director and CEO in May 2008, taking over from Michael Noonan who was in the acting role. In addition to meeting the day to day demands of their work, managers and staff engaged in discussions to set a more progressive and challenging vision for the NSHRC and established a new three year strategic plan for the organization. This new direction has meant some shifting of priorities over previous years and these are, to some extent, reflected in this report.

There have been many accomplishments and challenges over the past fiscal year and these are highlighted. My sincere thanks go to the staff, management and commissioners for their commitment and hard work to ensure the best possible service to the public throughout this period of change.

We encourage you to review this report and learn more about the work of the NSHRC by exploring our website. We also welcome any suggestions or feedback you have on this report or more generally on the NSHRC's work.

Sincerely,

Krista Daley
Director and CEO

I. Introduction

This document reports on the goals, priorities and performance measures identified in the NSHRC's 2008-2009 business plan. The business plan is available on the NSHRC's website at http://gov.ns.ca/humanrights/accountability.htm.

The report outlines the progress made towards achieving the goals and priorities with a particular focus on the following core business areas of the NSHRC which are to:

- promote efficient, effective and timely resolutions for complaints of discrimination;
- promote systemic change through education, training and affirmative action programs; and
- influence the development of legislation and policy by government.

The NSHRC had a staff complement of 26 people working in four regions of the province including Halifax, New Glasgow, Sydney, and Digby. There were five management positions, all located in the Halifax office.

It is important to note that there were a number of issues and events that shaped the work of the NSHRC during the fiscal year.

Changes to the Act

The changes to the *Human Rights Act*, passed in the fall 2007 sitting of the legislature, came into effect on June 30, 2008. The updates included changes to key definitions and terms in the *Act* to ensure they are consistent with the federal Charter of Rights and Freedoms, and with human rights legislation in other jurisdictions. There was a name change from Race Relations and Affirmative Action to Race Relations, Equity and Inclusion that better reflects the more modern approach to this work of the NSHRC.

The *Act* previously prohibited sexual harassment, however, the amendments extend the scope of prohibited harassment to all protected characteristics.

A one-year time limit to file complaints after the last alleged discriminatory act has been put in place; an additional year may be granted in exceptional circumstances. There is also greater clarity of the commission's ability to finalize cases, such as where a complaint is frivolous or lacks sufficient grounds for action. In addition, a board of inquiry must now issue its decision

within six months of the conclusion of a hearing.

In preparation for the changes staff prepared new policies and procedures on the legislative time limitation period and on decision making in relation to the new section 29 (4) of the *Act* which authorizes "the Commission or the Director" to dismiss a Complaint, for the reasons enumerated in that subsection.

Strategic Planning and Workforce Planning Strategy

The NSHRC managers and staff engaged in a series of sessions to collaboratively set a new vision and strategic goals for the organization for the next three years. This new direction is laid out in the business plan for 2009-2010. Part of this planning included the start of a talent management review led by human resources staff to address any gaps, plan for succession, and maintain a well performing and highly skilled workforce.

Staffing Changes

There were many staffing changes at all levels of the organization including the start of the new Director and CEO and the two year secondment of the Special Assistant (also former Acting Director and CEO) to Communications Nova Scotia. The Manager of Race Relations, Equity and Inclusion, who had been on secondment, accepted an external permanent position and the person in the acting Manager role was made permanent. Recruitment began for a senior solicitor to fill the newly formed in-house legal counsel role which marks a significant change in direction for the NSHRC away from utilizing external legal services.

The administrative assistant in the New Glasgow office retired after over 30 years of service with the Commission. The human rights officer in Digby took a one year departure on deferred-salary leave; two human rights officers took paternity leaves; and the human rights officer for mediation went on maternity leave. Replacement staff were hired on temporary and casual bases for those positions.

Two new staff were hired to work with Race Relations, Equity and Inclusion in the role of Research Policy and Education Assistant, one being an intern under the two year Public Service Commission Career Start Program.

Throughout the year the NSHRC maintained a diverse staff team with a continued commitment to a positive and professional working environment.

Office Closure

The New Glasgow office of the NSHRC closed on March 30, 2009. In recent years, changes in the process of the Commission has moved the intake and investigation of cases to the Halifax office making it is no longer necessary or effective to maintain the New Glasgow office. Staff from other offices continue to provide services to the New Glasgow area so there is no detrimental impact on the services provided to the public.

Case Flow

A key challenge of the past fiscal year continued to be the high number of new complaints of discrimination received by the NSHRC and the length of time it took to resolve complaints through the process, particularly those complex cases requiring investigation. There was also a growing inventory at the front end intake stage which made it difficult to reach the target time lines for assessment of cases. The priority remains to promote early resolution where possible and examine more effective and efficient ways to address complaints.

Budget

The NSHRC faced a number of challenges in meeting its budget targets during 2008-2009 including legal expenses associated with board hearings and costs associated with the mediations. There was an overall budget deficit of $83,735.

There was a noted success in cost recovery in the amount of $24,220 for the fiscal year which surpassed the forecasted amount of $15,000. Most cost recovery was achieved through training fees.

II. Progress and Accomplishments

In its 2008-2009 business plan, the Commission established the following strategic goals:

1. To promote efficient, effective and timely resolutions for complaints of discrimination.

2. To promote systemic change by developing new tools and resources which support the NSHRC's mandate to educate organizations and individuals about the impact of discrimination.

3. To help foster the development of a more equitable society and fair workplaces by effectively addressing discrimination in all its forms.

What follows is a brief report that highlights the major initiatives undertaken to achieve the priorities set by the Commission's core business areas in support of these goals. The performance measures are reported in Section IV.

Effectively Resolving Complaints of Discrimination

1. **In cooperation with Mi'kmaq and other aboriginal communities, move forward with recommendations to develop an aboriginal framework to improve the services the NSHRC offers to these communities, particularly through the development of effective models of dispute resolution.**

There were a number of steps taken toward fulfilling the goals set out in the framework including:

- An Advisory Committee was established and held two meetings to discuss the priorities and direction of the *Plan for Investigation and Resolution of Aboriginal Complaints* (referred to as the Aboriginal Framework).
- Training sessions were held for staff and commissioners on Aboriginal legal issues.
- The Aboriginal Framework document was translated into Mi'kmaq and French.
- Job descriptions were drafted for two human rights officers and the positions were designated for Mi'kmaq staff. A human rights officer of Aboriginal origin was recruited and worked with the Commission for approximately six months.
- A pamphlet was drafted on Aboriginal People and Human Rights
- Education sessions were conducted with all staff of the Indian Brook School on human rights in preparation of the opening of their new school and with all band managers in the province on human rights and the repeal of Section 67 of the *Canadian Human Rights Act*.
- New intake guidelines were drafted following liaison with the Canadian Human Rights Commission aimed at providing a more seamless approach to clarifying jurisdictional issues.
- Two meetings were held with members of the Nova Scotia Assembly of Chiefs to discuss the framework and ways to work together with the Mi'kmaq people.

- Discussions were held with staff of the Office of Aboriginal Affairs and the Atlantic Policy Congress.
- A presentation was given at the national Canadian Association of Statutory Human Rights Agencies (CASHRA) annual conference on the Nova Scotia Aboriginal Framework to staff and commissioners from across the country.
- A Masters in Social Work student began development of a model for a talking circle to be used with Aboriginal people and other cultural groups in addressing complaints of discrimination.

2. Continue to evaluate the effectiveness of the NSHRC's settlement initiative practices and its mediation roster.

A number of steps were taken toward this goal including:

- A review of the settlement initiatives policy was conducted and changes were made to improve efficiencies to the mediation service.
- A review of the costs of the mediation service was conducted and plans made to reduce costs in the next fiscal year. A separate budget was created in order to increase accountability of these expenses.
- Preparations also began in conjunction with the Office of Procurement for a new request for standing offer to solicit a new Roster of Mediators.

3. Ensure that priorities and strategic goals are reflected in performance management targets for staff and management.

- The manager and staff performance targets were revised to include the new standards and measures set for the Commission. These will be monitored as part of the performance review process in the 2009-2010 fiscal year. In addition, a review of training needs was conducted to identify any gaps for meeting the targets and establish goals for self-directed learning.

4. Develop a strategic plan for the Investigation and Compliance Division to ensure ongoing change management and quality control.

- A three year strategic plan for the NSHRC was established outlining strategic goals and priorities that included those of the Investigation and Compliance Division and other core business areas. All staff participated in the planning process and will be part of annual reviews to monitor progress.

5. Continue to evaluate the computerized case management system to improve the tracking and quality control of the complaint process.

A number of steps were taken toward this goal including:

- The CEO took over sight of the changes to the human rights case tracking system (HRCTS) to ensure expeditious implementation
- A comprehensive review of the Race Relations Equity and Inclusion screens was conducted and a plan for enhancements put in place.
- A review of case flow business practices was conducted for the complete case processing system to examine necessary improvements.
- A framework for statistical reporting was developed that outlines the goals and objectives for statistical reporting for the Commission and the types of reports to be generated by the HRCTS system.
- A priority plan for changes to the system was developed with Justice IT taking into consideration the above planning.

Promoting Systemic Change Through Education, Training and Affirmative Action Programs

1. Continue involvement with government, institutional and community partners to further develop linkages and forums for discussion and change.

The NSHRC was very active in partnering on various events and promoting human rights. The following captures some of the highlights:

- Hosted an inter-faith breakfast on April 9, 2008 in partnership with the Pictou County Council of Churches. The event focused on bringing faith leaders together to explore human rights issues including the importance and values of inclusion, racial harmony, and respect for different points of view. The faith leaders were joined by municipal and provincial government representatives, educators, service providers and business leaders.
- Worked in partnership with the Disabled Persons Commission to host a *Symposium on Inclusive Education and Employment* on December 3, 2008 and to commemorate the UN Convention on the Rights of Persons with Disabilities. The goal of this event was to bring awareness to the issues facing the disabled community in Nova Scotia and to establish a

human rights framework for moving forward with a vision of social and economic inclusion of disabled persons in Nova Scotia.

- Worked in partnership with the International Centre for Rights and Democracy (Montreal), and the Commonwealth Judicial Education Institute at Dalhousie Law School to honour the winners of the John Humphrey Freedom Award, the Zimbabwe Lawyers for Human Rights, during their visit to Halifax on December 4 and 5, 2008.
- In conjunction with the Nova Scotia Advisory Council on the Status of Women it was arranged for one of the Zimbabwe lawyers to speak at the National Day of Remembrance and Action on Violence Against Women.
- In conjunction with the Partners for Human Rights Committee hosted another successful event for International Human Rights Day on December 10, 2008 which marked the 60th anniversary of the signing of the United Nations Declaration of Human Rights.
- To mark International Women's Day on March 8, 2008 an opinion piece by the CEO was published in the Chronicle Herald.
- The CEO spoke at two sessions that were open to the public on the issue of "freedom of expression and the right to offend" that were sponsored by the Canadian Centre for Ethics in Public Administration and King's University School of Journalism.
- The CEO moderated a panel on best practices for dealing with mental health issues in the workplace at the 2008 Discrimination Forum held by the Canadian Human Rights Commission.
- The CEO began meetings with other small independent government agencies with similar values and issues to develop strategies for working cooperatively and efficiently.

2. **Complete the recruitment process for additional staffing resources for the Race Relations, Equity and Inclusion Division to augment the NSHRC's education, training and affirmative action programs.**

- As noted earlier two new staff were hired to work with Race Relations Equity and Inclusion in the role of Research Policy and Education Assistant, one being an intern under the two year Public Service Commission Career Start program. The intern was hired to work on the new Employment Equity Partnership initiative. An application was also submitted to hire a summer student to assist with the research component of this initiative.

3. **Promote the value of practicing inclusion to the business community using the NSHRC's "Champions for the Workplace" program to identify two new champions during 2008-2009 who would host a breakfast for their colleagues.**

- Under the direction of the new CEO the Champions for the Workplace Program was replaced with the new initiative called Employment Equity Partnership. This program has as its goal to collaboratively engage employers, academics and community members in Nova Scotia in dialogue to promote inclusion, reduce systemic discrimination and the barriers to employment. An advisory committee consisting of representatives of government, businesses, community organizations and academic institutions was established and began meeting to help set direction on this initiative.

4. Continue policy, research and development in partnership with external organizations in emerging areas of human rights.

- The NSHRC conducted policy research in the areas of employment equity, diversity and cultural competency with the aim of educating and supporting employers to foster more equitable and inclusive workplaces.
- A partnership was established with the Disabled Persons Commission to examine the barriers to social and economic inclusion for people with disabilities in Nova Scotia. A number of meetings were held to determine strategies to increase education and examine areas for research and policy development.
- A proposal call went out for funding under the Mental Health Advocacy Training Project, aimed to enhance the capacity of Nova Scotian communities to provide advocacy for people with mental illness. This is the third phase of funding proposals made available by the Human Rights Commission, and in co-operation with the Disabled Persons Commission. The grant is the outcome of a settlement reached in a complaint by H. Archibald Kaiser against the Executive Council of Nova Scotia in 2002.
- The NSHRC played an active role in the Canadian Association of Statutory Human Rights Agencies (CASHRA) including committees looking at a new governance structure, legal issues, and policy and research. Staff participated in a review of plans for a Human Rights Report Card and contributed to a submission to the UN Periodic Review on Canada's record on human rights.

5. Complete the implementation of a Race Relations, Equity and Inclusion Division module as part of the Commission's computerized case management system.

- As noted earlier a comprehensive review of the Race Relations Equity and Inclusion screens was conducted and a plan for enhancements put in place. Staff also identified areas for training to help improve consistencies in data entry and file management.

6. Promote the NSHRC as a source of information and resources on human rights and compliance issues under the *Act* for employers and employees in the public, private, educational and not-for-profit sectors.

- The NSHRC continued to promote the training and education programs delivered through Race Relations, Equity and Inclusion at all stages of the complaint process, through promotional materials, the website and hosting of and participation in various events.
- An extensive review of human rights training and awareness modules was conducted including the design, implementation, follow-up and evaluation stages using quality benchmarks from a number of reputable training organizations. The conclusions led to a positive result and with some recommended areas for improvement.
- Staff were invited to present to two national conferences, the National Metropolis Conference and the National Social Work conference. The theme for both presentations was creating cultural and organizational change toward equity and inclusion.
- A new training module was researched, developed and delivered called *Creating Cultural and Organizational Change* in response to a community consultation held in the previous fiscal year.
- Planning began on the development of a communications plan aimed at increasing the public's understanding of the work of the NSHRC and human rights issues and enhancing media tracking on key issues. Preliminary meetings were held with Communications Nova Scotia staff and media representatives.
- Work began on the enhancement of the NSHRC website to update information and enhance accessibility of information.

Influencing the Development of Legislation and Policy by Government

1. Complete the recruitment of a Senior Policy Analyst.

The recruitment of the Senior Policy Analyst did not proceed as there were a number of other priorities for consideration with the start of the new Director and CEO. Some of the functions were fulfilled by the Project Manager. The NSHRC wants to move forward in increasing its capacity to conduct policy work and to be a respected resource on human rights legislation, policies, issues and trends that can help inform the work of government. An assessment of the staffing needs to carry out this mandate will be conducted.

2. **Deliver presentations on trends and concerns to government and opposition caucuses in conjunction with the filing of the NSHRC's annual report.**

   A new format was developed for the annual report which delayed the process of filing. The NSHRC will move forward with this action in the new fiscal year.

3. **Open dialogue with staff of Treasury and Policy Board to incorporate consideration of human rights implications into the process for developing legislative recommendations for Cabinet.**

   A meeting was held with staff of Treasury Board to exchange information and discuss priorities for the coming year of the new Director and CEO. Staff attended two sessions organized by Treasury and Policy Board as part of the Policy Network.

Human Resources

In the 2008-2009 fiscal year, the NSHRC completed an enhanced equity plan (formerly referred to as affirmative action plan) entitled *Charting a Course Toward Equity and Inclusion*. This three year plan lays out goals and measurable outcomes to support the Nova Scotia Government's goal *to become an organization that is free of discrimination and values diversity.* A progress report was also completed and submitted to the Public Service Commission. The Plan and Progress Report will be placed on the new website for the NSHRC which is currently under re-construction.

Following discussions with members of the Public Service Commission it was agreed that staff from the NSHRC would participate in the Public Service Commission Diversity Roundtable which is working toward fulfilling the Government's commitment toward equity and inclusion within the public service of Nova Scotia.

The NSHRC made a commitment to build and maintain a diverse workforce and was successful in meeting that commitment in 2008-2009. In addition a number of students from diverse backgrounds worked with the Commission through the Career Starts Program, summer placement and from the School of Social Work, Master's Program.

III. Financial Results

N.S. Human Rights Commission		
	2008-2009 Estimate ($ thousands)	2008-2009 Actual ($ thousands)
Gross Program Expenses	$2,199	$2,283
Salaries and Employee Benefits	$1,722	$1,621
Funded Staff (FTEs)	25.6	25.6

IV. Performance Measures

The measures in this report are from the Commission's 2008-2009 business plan (refer to Schedule 1 Performance Measure Charts). They represent outcomes identified to measure success in achieving the priorities set out in the NSHRC's core business areas. Due to changes in priorities two measures have been discontinued and these are presented with a rationale as to why they were no longer relevant.

Strategic Goal: ***To promote efficient, effective and timely resolutions for complaints of discrimination.***

Outcome: An efficient and effective complaint handling process.

Measures:
a) Percentage of intake questionnaires assessed within 2 months
b) Percentage of cases resolved within 6, 12 and 24 months of receipt of intake questionnaire

What do these measures tell us?

a) The ability to assess complaints as early as possible, and determine the outcome of that assessment, is important to enable people to gain answers quickly and to resolve their issues as expeditiously as possible and with the least intrusion or negative impact possible.

b) For the public to have confidence in the NSHRC's ability to resolve human rights complaints the organization must be able to respond in as timely a manner as possible when allegations are brought forward. Significant delays in the complaint handling process can lead to more difficulty in reaching appropriate resolutions and may discourage individuals from bringing human rights concerns forward.

Where are we now?

a) A review of cases at intake showed that 61% of cases were assessed within 2 months of assignment to an officer which is below the target of 80% set in the business plan. 80% of cases were assessed within 3 months of assignment and 97% within 6 months. It is important to note that the time between receipt of an intake questionnaire and assignment of a file to an officer for review grew from 2-4 weeks to 2-3 months due to staffing changes.

b) There were 162 cases closed during the fiscal year. 26% of cases were resolved/closed prior to 6 months of receipt of the intake questionnaire which is slightly below the target of 30% set for the fiscal year. 41% of cases were resolved/closed within 12 months of receipt of the intake questionnaire which is below the set target of 65%. A total of 68% of cases were resolved/closed within 24 months of receipt of the intake questionnaire which is below the set target of 75%.

c) During the fiscal year there was a significant challenge with respect to staffing, as noted earlier in the introduction. As a small organization every staffing change impacts on case flow as each position is critical and there is a high learning curve for new employees. The organization has undertaken a talent management process that includes succession planning. It is expected that this planning will help lessen the impact of future staffing changes. In addition business planning targets will be adjusted appropriately to take into consideration anticipated changes.

Where do we want to be in the future?

The NSHRC wants to ensure that all Nova Scotians experiencing discrimination have access to a fair and effective process and trust they can exercise these rights when and if necessary.

a) Staff have conducted an assessment of the intake process to determine staffing needs in relation to monthly case flow and what strategies could be taken to be more efficient in assessing cases. Some new approaches will be implemented and monitored to determine their effectiveness.

b) Enhanced efficiencies in scheduling mediation cases will be examined and a review of the investigation time lines will be conducted. Particular attention will be given to strategies for dealing with cases of systemic discrimination.
The amendments to the *Act* have enabled speedier decision making in some cases whereby the CEO is able to render decisions under Section 29(4) without waiting for a Commissioner's meeting. It is anticipated that there may be increased opportunities in future for rendering these decisions.

Strategic Goal: To promote systemic change through education, training and affirmative action programs.

Outcome: Commission seen as an authoritative source for information about human rights.

Measures:
a) Percentage of training and consultation requests accepted
b) Percentage of clients satisfied with new training module: *Creating cultural and Organizational Change*
c) Increase the number of strategic partners

What do these measures tell us?

a) A key component of the NSHRC's mandate is to promote positive change and respect for inclusion and equity in the wider community. In order to influence behaviour at the societal level, the NSHRC must have the capacity to respond to training and education requests by organizations facing the challenges posed by enhanced diversity.

b) Employment situations account for 80% of the human rights complaints brought to the NSHRC. The NSHRC must play a role in helping employers examine their own work environments to work toward the creation of healthy and productive workplaces.

c) The NSHRC cannot achieve its mission and goals without the assistance of other organizations sharing similar goals.

Where are we now?

a) The NSHRC has met the targets set for the 2008-2009 fiscal year for improving response levels to requests for consultation, training and education. There were 30 requests for

training and of those 18 were completed which meets the target of 60% set for the fiscal year. 77% of consultations requests were accepted which surpasses the 75% target set for 2008-2009.

b) The new training module *Creating Cultural and Organizational Change* was piloted to 15 people and 100% of participants rated the training as satisfactory which surpasses the target rate of 80%. The training was a great success and plans for further delivery of this training are underway.

c) The NSHRC established eight new partnerships throughout the year which surpassed the target of five new strategic partners.

Where do we want to be in the future?

a) The NSHRC is seeking to maintain and enhance its ability to meet the training and consultation needs of the community and to create more partnerships and build more creative approaches to enhance the training capacity on human rights and diversity issues within communities.

b) Recognizing the importance of prevention as part of its role, the NSHRC will maintain a strong emphasis on education and training and enhance the assistance it provides to organizations and businesses in exploring diversity in the workplace and preventing discriminatory practices. The NSHRC will aim to continue to offer high quality training at cost recovery.

c) Promoting systemic change requires enhancing our understanding of the diverse groups in the province and building strong relationships with government, academic institutions, civil society and the public to better meet the needs of all the people we serve.

Discontinued Measures

Measures: Increase the number of "Champions for the Workplace" breakfasts
Increase the number of new Affirmative Action Agreements
Percentage of Affirmative Action Agreements renewed within the 5 year standard

Rationale: As noted earlier, the NSHRC is embarking on a new initiative to replace the "Champions for the Workplace" and the Affirmative Action Agreement. The new Employment Equity Partnership Agreement will promote inclusion and diversity in the workplace. The Employment Equity Partnership encourages open dialogue and collaboration with employers, employees, academics, businesses and communities across Nova Scotia. The goal is to eliminate discrimination and the barriers to equity and employment for disadvantaged groups within our communities. An

Advisory Committee has been established and the program will be piloted and launched in the new fiscal year.

Measure: Number of consultation requests from Treasury and Policy Board

Rationale: As noted earlier, the recruitment of the Senior Policy Analyst did not proceed as there were a number of other priorities for consideration with the start of the new Director and CEO. The NSHRC wants to move forward in increasing its capacity to conduct policy work and to be a respected resource on human rights legislation, policies, issues and trends that can help inform the work of government. An assessment of the staffing needs to carry out this mandate will be conducted, as well as, a determination of the most effective measures to assess the success of this work.